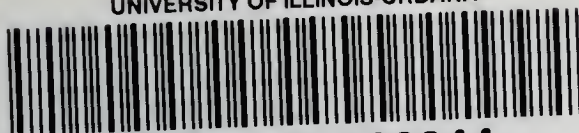


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THE RIGHT TO APPEAL AND TO RECEIVE A FAIR HEARING

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Illinois Department of Public Aid

Definitions

1. "Appellant" means a person who has asked for a fair hearing on an action of the local office which he or she believes is unfair.
2. "Fair Hearing" means an informal but orderly proceeding before a hearing officer of the Department. All applicants for and recipients of public aid have an opportunity for an impartial review of decisions made by the local office by means of a fair hearing.
3. "Representative" means a person who acts on behalf of an appellant, having been authorized by the appellant to do so.

Advance Notice. Recipients of public assistance must be given 10 days timely notice in writing before a local Public Aid office acts to reduce or terminate their assistance. They may discuss with their caseworkers (within the 10-day period) the reasons for the proposed change. But this is not the same as an appeal, nor does it prevent them from appealing after such a conference.

Request for Fair Hearing. Persons receiving or applying for public aid may ask for a hearing on any decision which they think is unfair, but they must do so in writing within 60 days after the local office notifies the individual that an adverse action will be taken. To appeal a decision regarding food stamps, the individual must make the appeal within 90 days after being notified of the change in benefits by a local office. Persons appealing a food stamp decision need not make the appeal in writing. Persons receiving or applying for public aid may also ask for a fair hearing in writing if the local office fails to act on any specific request they make.

Actions or inactions by the local office which may be appealed are:

- 1) the local office does not take an application or does not act on an application within 45 days (60 days for Aid to the Disabled); 2) an application is denied; 3) a check received is in the wrong amount; 4) a decision is made to reduce or terminate a grant; 5) a person is excluded from a service program; 6) a person objects to the manner in which his or her grant is paid; 7) the local office does not mail a written notice of approval or denial within 45 days for any specific request other than Special or Emergency Assistance; or 8) the local office fails to mail a written notice of approval or denial within 5 working days of the request for Special Assistance or within 1 working day of the request for Emergency Assistance; 9) any other actions or inactions of the local office which appear unfair. 10) A decision to deny a request for a medical service/item that requires prior approval, 11) A decision granting a prior approval request for a lesser or different medical service/item than was originally requested.

Food stamp applicants and recipients have the same rights to a fair hearing on action or inactions made which affect their participation in the Food Stamp Program.

Notice of Appeal. An applicant or recipient may make an appeal in writing to the local office or to the Illinois Department of Public Aid, Assistance Hearings Section, 624 S. Michigan, Chicago. The local office will provide a "Notice of Appeal" (DPA 103) which may be used in making an appeal. Food stamp appeals need not be in writing.

If the local office determines that a recipient has has appealed a proposed reduction in or termination of an assistance grant and the recipient has appealed the proposed change within the 10-day timely notice period, assistance is continued unchanged during the hearing process. However, for an AFDC case, if the appeal decision upholds the local office action, any assistance received while the appeal is pending which the client would not have received if he/she had not appealed must be recouped from future assistance payments or recovered from the client.

Food stamp recipients appealing a change may choose to have their assistance continued while their appeal is in progress. If the hearing finds the food stamp recipient to be in the wrong, the department is authorized to collect the food stamps which were provided during the hearing process.

Case Review by the local Public Aid Office.

When a request for a hearing is made, the local office will review the action being appealed. If a changed decision is satisfactory to the appellant, the local office may then request that a form, "Request to Withdraw Appeal" (DPA 65) be signed by the appellant. Only the person who appealed or their representative can withdraw a request for a hearing. They can withdraw their appeal at any time before or during the hearing.

If the decision remains unchanged or the changed decision is unsatisfactory and the appeal is not withdrawn, a hearing officer of the State Department of Public Aid schedules a hearing and notifies the appellant by mail of the date of the hearing. This notice is usually sent at least seven days before the date of the hearing. When a hearing has been scheduled, the local office prepares a "Statement of Facts" -- (DPA 102) -- the facts upon which the local office made its decision -- and will send it to the appellant prior to the hearing.

Fair Hearings. Hearings are held in the county where the applicant or recipient lives. GA Jobs hearings are held at the responsible GA Jobs office. Unless circumstances make it necessary to hold a hearing elsewhere, they are held in the local public aid office.

The person appealing a local office decision should take to the hearing any records and receipts or papers which might help them prove their claim (written proof of living expenses, income, medical bills, tax receipts, savings, or bank account books, etc.). They or their representative may have the opportunity before and during the hearing to examine all portions of the case record and any other documents which the local office plans to introduce as evidence in the hearing. In addition, they and/or their representative may have the right to request copies of any item in their case file, at a reasonable time prior to and at their hearing. The charge for such copies is 10 cents per sheet. There is no charge for copies of documents for food stamp hearings.

The hearing is held without cost to the appellant. For grant cases, the local office may reimburse the client for payment of unusual expenses (transportation, child care) that might prevent an appellant's attendance at the hearing, if a request is made within 30 days after the hearing. Legal fees are not paid by the Department.

The Department, at its option, may hold group hearings when each in a series of individual appeals has a common complaint and the only issue in question is one of policy. An individual who is made part of a group hearing may withdraw from the group and present an appeal individually.

Attendance at Hearings. Hearings are not open to the public. To keep the information confidential, the only persons who will be at the hearing are those directly concerned -- the person making the appeal; his or her lawyer or representative and any other persons needed to help present the case; a member of local office staff directly responsible for the action for appeal; and the necessary witnesses for the local office. Witnesses at the hearing are examined under oath.

At the Hearing. Persons appealing a local office action are encouraged to tell the story in their own way. Hearing proceedings are recorded by a stenographer or tape recorder. No copy of such record will be furnished to any person unless the appeal goes on to court.

Depositions Permitted. When the appellant is outside the state or is unable to attend a hearing for physical or mental reasons, the Department may accept written information from the appellant and his or her witnesses, or permit witnesses acting on their behalf to present evidence in support of their claim.

Hearing Officer's Report. At the conclusion of the hearing, the hearing officer prepares written findings of fact and the Director of the Department of Public Aid issues a final administrative decision which either upholds, or does not uphold the local office action which was appealed.

Appellants will receive a copy of the decision, as approved by the Director, as well as a letter notifying them of their right to judicial review of the decision. In food stamp cases, the decision must be issued in 60 days (plus the number of days delay caused by the appellant). Where the decision results in the issuance of food stamps, the food stamps must be issued 10 days after the local office receives the decision. In appeals for assistance other than food stamps, decisions must be implemented within 90 days (plus the number of days delay caused by the appellant).

Postponed Hearings and Rescheduled Hearings. A hearing may be postponed for a short period of time upon the written request of the appellant made prior to the hearing, or upon the oral request of the appellant made at the hearing. (Postponement of a food stamp hearing which has not been previously postponed may be requested orally.) When it is necessary to get more information, the hearing may be continued until a later date.

When appellants, whose assistance has been continued unchanged as a result of their request for a hearing, do not appear at a scheduled hearing and fail to advise the hearing officer of their inability to attend, the local office will proceed with the proposed change.

If an appellant does not appear at a scheduled hearing and fails to request a postponement, the appeal will be considered abandoned. The appellant will be given written notice of this, but may continue the appeal if within 10 days of the notice the Department is provided with good cause, in writing, for the failure to appear.

The Official Report. The official report of the hearing consists of the documents filed in the case, along with the facts and the decision. At any time within three years after the hearing decision, the appellants or their representative may review the official report in the local office.

The Illinois Department of Public Aid does not discriminate in admission to, or treatment or employment in programs or activities in compliance with the Illinois Human Rights Act, the Illinois Constitution, the U.S. Civil Rights Act, Section 504 of the Rehabilitation Act, as amended, and the U.S. Constitution.

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